

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 622

(Chair, Judiciary Committee)(By Request - Departmental
- Public Safety and Correctional Services)

Judiciary

Correctional Services - Correctional Officers - Minimum Age Requirement

This departmental bill lowers the minimum age (from 21 to 19) for a correctional officer hired by the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), or the Patuxent Institution beginning October 1, 2020.

Fiscal Summary

State Effect: General fund expenditures may decrease to the extent the bill reduces overtime costs for the Department of Public Safety and Correctional Services (DPSCS), as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: DPSCS has determined that this bill has minimal or no impact on small businesses (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Chapter 439 of 2007 required the Secretary of Public Safety and Correctional Services to adopt regulations requiring that a correctional officer hired by DOC on or after October 1, 2007, be at least age 21. Chapter 670 of 2008 required the Secretary to adopt regulations requiring that a correctional officer hired by DPDS or the Patuxent Institution on or after October 1, 2008, be at least age 21. In both cases, the regulations were required to exempt any honorably discharged veteran or reserve member of the U.S. Armed Forces from the minimum age requirement.

In addition to the minimum age requirement, an applicant for a State or local correctional officer position must (1) be a U.S. citizen or resident alien (and submit proof of status) and (2) possess at least a high school diploma or a General Education Development certificate, as specified. Also, Chapter 407 of 2015 requires that an applicant for a position as a State correctional officer be subject to a polygraph examination before being appointed to the position.

Background: DPSCS advises that it has faced challenges hiring correctional officers in recent years. **Exhibit 1** shows the total number of correctional officer applicants and hires for DPSCS from calendar 2013 to 2019.

Exhibit 1
DPSCS Correctional Officer Applicants, Hires, and Hiring Rate
Calendar 2013-2019

<u>Calendar Year</u>	<u>Number of Applicants</u>	<u>Number Hired</u>	<u>Hiring Rate</u>
2013	11,673	605	5.2%
2014	11,137	425	3.8%
2015	9,276	376	4.1%
2016	9,581	63	0.7%
2017	5,688	102	1.8%
2018	4,286	160	3.7%
2019	4,571	267	5.8%

DPSCS: Department of Public Safety and Correctional Services

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

In 2018, DPSCS launched the Correctional Officer Cadet program. The goal of the program was to increase the candidate pool of eligible correctional officers by creating a path for those younger than 21 to begin their careers and transition toward becoming full correctional officers. There were 1,235 applicants for the first cadet cohort, but DPSCS only hired 3 cadets. As of January 2020, no cadets have transitioned to full correctional officer status, although 1 cadet is eligible to advance as a full correctional officer during fiscal 2021. DPSCS suspended the program and advises that it is reviewing the viability of the program.

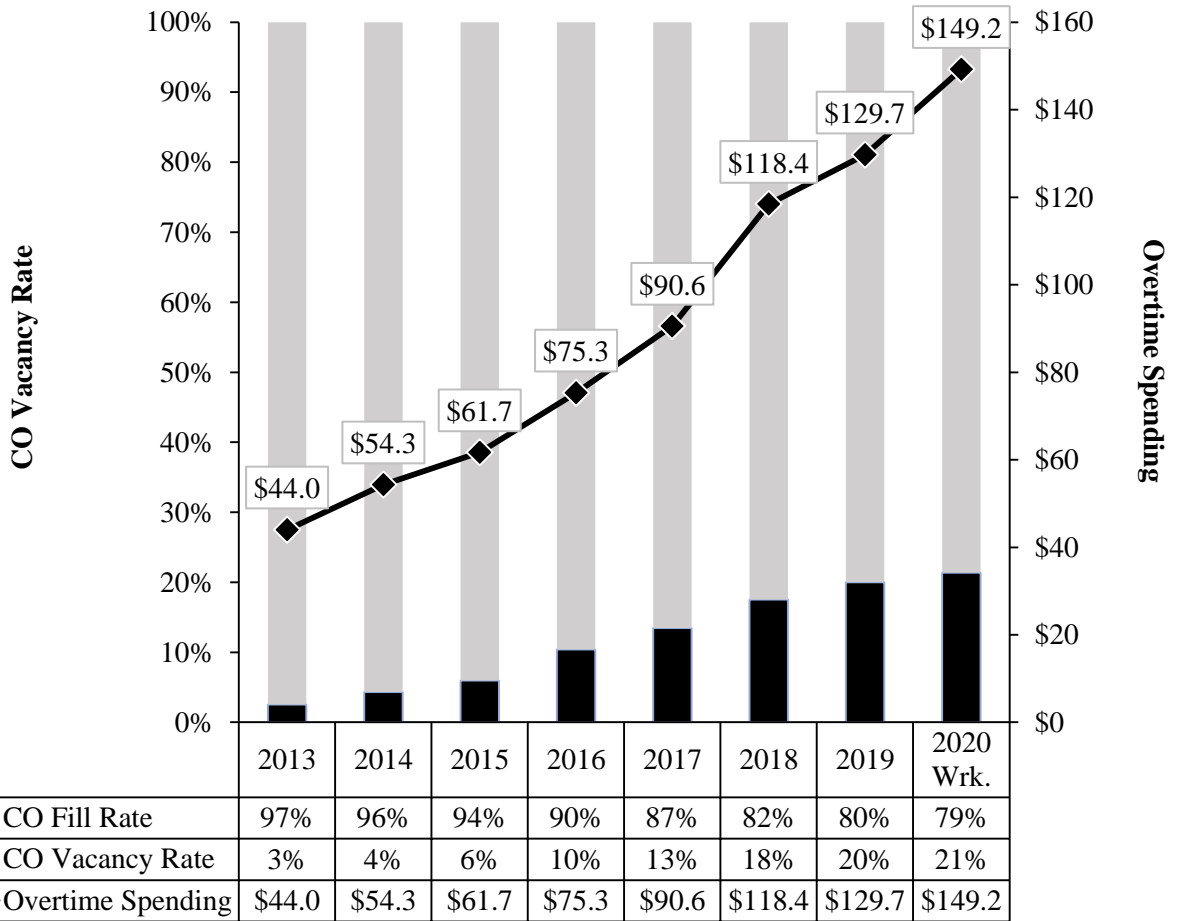
DPSCS reports that three states (Alabama, Florida, and Missouri) may hire correctional officers at age 19 and that two states (North Carolina and Oklahoma) may hire

correctional officers at age 20. In Delaware, the minimum age to hire a correctional officer is age 19 and six months. In New Hampshire, a trainee correctional officer may be hired at age 18 but may not be fully appointed as a correctional officer until age 20.

The fiscal 2020 budget includes 6,403 authorized correctional officer positions for DPSCS. Of those, 5,081 positions are filled, leaving 1,322 positions vacant. In addition, the Governor's proposed fiscal 2021 budget includes 6,198 authorized correctional officer positions for DPSCS. Of those, 4,874 positions are estimated to be filled, leaving 1,324 projected vacancies.

State Expenditures: Due to the shortage of correctional officers, the Governor's proposed fiscal 2021 budget includes approximately \$149.8 million for overtime costs for DPSCS. **Exhibit 2** shows the overtime expenditures and correctional officer vacancy rate from fiscal 2013 to 2020. As shown in the exhibit, overtime spending has increased significantly over the past several years as the vacancy rate has increased. To the extent the bill enables DPSCS to hire additional qualified applicants to fill the vacancies, overtime expenditures likely decrease. However, any decrease in overtime costs cannot be reliably estimated at this time.

Exhibit 2
Overtime Expenditures and Correctional Officer Vacancy Rate
Fiscal 2013-2020
(\$ in Millions)



CO: correctional officer

Note: Fiscal 2013 to 2018 adjusted by 7.3% to account for Social Security costs assessed on overtime.

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Budget and Management; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2020
mm/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Officer – Employment – Age Requirement

BILL NUMBER: HB 622

PREPARED BY: Catherine Kahl, Deputy Director, Government & Legislative Affairs

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS